

**From:** [REDACTED]  
**Sent:** 17 December 2018 12:44  
**To:** directmarketingcode  
**Subject:** Call for views on a direct marketing code of practice

Good afternoon,

Unfortunately at this point in time I have been unable to access the form on your website, and am conscious that the deadline for responses is 24<sup>th</sup> December 2018. Therefore, I have inserted below my comments per question, based on my previously printed version that had my roughly drafted comments on. I am sorry that my views are presented in this manner, but I only had today to submit them due to other work or leave commitments.

If you need to discuss the points below in any more detail, don't hesitate to email or phone me. I appreciate my views are restricted to the issues I have been presented with, and do believe all are currently included within the existing code but would just appreciate if they could be strengthened.

**Q1:**

My organisation undertakes business to business marketing and since GDPR came into force, my personal opinion is that individuals have forgotten the provisions on marketing contained within PECR, and the different lawful bases that can apply. It would be really useful if within the guidance there was some clarity on business to business marketing, particularly relevant when email marketing to individual employees where the organisation is classified as the 'subscriber'. Therefore not sole trader or unlimited partnership. Again personally, this would really assist the work I am doing alongside our marketing team to ensure compliance. I think it would also be useful for small businesses if they were presented the rules as a quick guide, as any misinterpretation could be limiting their opportunities.

In support of my previous comment, I think the code should focus on when consent and legitimate interest are relevant per marketing channel and consumer type ( domestic or business), with some practical examples. In addition, strengthening the examples provided for under 'soft opt in', what constitutes 'negotiations' ( would the downloading of a brochure from a website, fit into the definition?).

**Q2 / 3:** Yes – the misinterpretation of GDPR and the majority of people stating that an organisation **must** rely on consent to undertake direct marketing (again I think this could be individuals are unaware of the link between PECR and data protection legislation). It would also be useful to get some commentary on the new e-privacy regulations, alongside the code, however I appreciate other external factors (Brexit) may complicate this matter.

**Q4 –** Yes

**Q5 –** N/A

**Q6 –** Yes, however I would appreciate if there was more clarity on B2B marketing, per channel with practical examples and some privacy notification terminology. Also guidance on how to manage renewals and the difference between when notification of a renewal is a service message (don't want the customer to go onto out of contract rates) and when does it become marketing. Are there measures that could be taken to limit the renewal notification drifting into marketing and providing some advice on such measures to protect the consumers and organisations

**Q7 –** N/A

**Q8 –** Yes, however I think the document would be easier to navigate if there were individual sections on marketing to consumers, marketing to sole traders and unlimited partnerships and marketing B2B, and everything you need to know is within that particular section. Rather than all three being considered throughout the document. This would assist marketing colleagues, as they would go to the relevant section dependant on marketing campaigns. It may also help the smaller businesses.

**Q9 –** N/A

**Q10 -** (1) How to manage renewals ( as stated above). (2) If organisations provide a brochure for consumers to download what lawful basis should they be relying on to further process individuals data for additional marketing (organisations seem to be taking various approaches either consent or soft opt in). My personal opinion from a transparency and fairness perspective it should be consent but I think it would be useful if a case study was provided on this scenario.

**Q11 –** Include some information on the data hygiene rules applied to the telephone preference service, how is the list maintained, is there any verification on whether the number still wants to be on the TPS ( change of tenancy).

Again further information on this, will assist discussions with marketing colleagues. In addition, not one for the code but would the introduction of an overarching 'opt in' or 'opt in' list be beneficial for all marketing channels?

**Q12** – Private sector worker

Thank you.



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